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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed August 26, 2004. In the Office Action, the Examiner notes that claims 1-24 are pending, of which claims 1-24 are rejected. By this response, Applicants have amended claims 1, 14 and 15. The amendments to the claims are fully supported by the Specification, Drawings and Claims as originally filed. For example, the amendments to these claims are supported at least by lines 1-21 on page 5 of the Specification, and by these same claims as originally filed. Thus, no new matter has been introduced, and the Examiner is respectfully requested to enter the amendments to the claims.

By this response, Claims 25 and 26 have also been added. The new claims are fully supported by the Specification, Drawings and Claims as originally filed and no new matter has been introduced. For example, new claim 25 is supported at least by original Claim 15. New Claim 26 is supported at least by lines 1-21 on page 5 of the Specification, and by original Claim 1. For example, new Claim 26 recites, inter alia, a "terminal device being capable of receiving an input from the user, the input controlling whether or not the user demographic database is accessible by the network headend and the distribution network." This claim language is supported by the above-cited section of the Specification, which describes a preferred embodiment in which "the demographic information is not shared with the cable operator, advertisers, or any other marketing company," (lines 6-7) and also "the bit mask 30 is also accessible to the viewer so the viewer may change at any time the demographic information" (lines 8-10). The cited section of the Specification further discloses another version in which "a combination of these arrangements can be employed such that the survey information is contained both in the set top converter boxes 16 and the headend 12" (lines 19-20). Thus, the Specification fully discloses the terminal device having a demographic database which is capable of being accessible or not accessible to the headend and distribution network, as well as being capable of receiving an input from the user to control information in the demographic database, for example information pertaining to

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its accessibility. The Examiner is therefore respectfully requested to enter the new claims.

Applicants have also amended the Specification in the paragraph starting at line 23 on page 6. This paragraph is being amended to remove a reference number and to insert the phrase "(not shown)" in its place. The amendments to this paragraph add no new matter and the Examiner is respectfully requested to enter the amendments to the Specification.

It is to be understood that the Applicants, by amending the claims and the Specification, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Priority

In the Action, the Examiner states that Provisional application 60/179,736, upon which priority is claimed fails to provide adequate support under 35 U.S.C. §112 for Claims 5, 6, 18, and 19 of this application. The Examiner further states that Claims 5, 6, 18 and 19 are supported by provisional application 60/191,474 and that therefore these claims shall receive a priority date of the 23 March 2000 while claims 1-4, 7-17, 20-24 shall receive the benefit of the 2 February 2000 filing. Applicants acknowledge the Examiner's according of priority to the pending claims.

Objection to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference sign 44 mentioned in the description. Applicants have amended the Specification to remove the reference sign not included in the Drawing. The Applicants respectfully request that the Examiner's objection be withdrawn.

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35 U.S.C. §102(b) Rejection of Claims 1-4, 7-12, 14-17 and 20-23

The Examiner has rejected claims 1-4, 7-12, 14-17 and 20-23 under 35 U.S.C. §102(b) as being anticipated by Wachob (U.S. Patent No. 5,155,591, hereinafter "Wachob"). The rejection is respectfully traversed.

Claim 1

Wachob does not anticipate Claim 1 because Wachob does not teach or suggest the system of Claim 1 as follows:

"1. A system for transmitting information in a broadcast distribution system that is targeted to a system user, said system comprising:

- a) a network headend for transmitting at least one information stream to a plurality of users, said information stream being comprised of a plurality of information selections and a plurality of corresponding codes, each said code identifying a characteristic of a corresponding one of said selections that is employed to identify a system user to whom either said selection, or additional information related to said selection, should be transmitted;
- b) a distribution network for transmitting said information stream with said codes; and
- c) a plurality of terminal devices interfaced to said distribution network for receiving said information stream, each said terminal device including a terminal processor and a user demographic database that contains demographic information about a corresponding user of said terminal device, said user demographic database being not accessible to said network headend and said distribution network, said terminal processor being programmed to compare each code for each selection in said information stream with said demographic information in said database, and determine therefrom whether said user is designated to receive said selection or additional information related to said selection."

Wachob fails to disclose each and every element of the claimed invention as arranged in Claim 1. Specifically, Wachob fails to disclose, inter alia, "each said terminal device including a terminal processor and a user demographic database that contains demographic information about a corresponding user of said terminal device, said user demographic database being not accessible to said network headend and said distribution network," as recited in the claim.

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Instead, Wachob discloses a cable television system having a headend and a converter, the headend broadcasting different commercial messages to converters of different demographically targeted audiences. Wachob discloses the converter has a RAM in which demographic data can be stored. Wachob discloses:

"In the event the cable television system operator wants to provide market research data to advertisers concerning, e.g., demographic information, channels/programs viewed, pay-per-view purchases, etc., RAM 36 will also store cumulative data indicative of the selections made by users via the remote control or converter keyboard." (column 8, lines 17-23)

and

"If relevant market research data have been stored in RAM 36, control passes from box 204 to box 206 where the data are retrieved from RAM 36. As indicated at box 208, the data are then transmitted to the headend via return path 44, which may be any conventional return path well known in the art." (column 8, lines 46-51)

Thus, Wachob discloses a system in which the headend has access to the demographic data stored in the RAM of the converter, and does not teach a terminal device having demographic database not accessible to a network headend and distribution system. This feature of the system of Claim 1 allows the system user a greater degree of privacy, "[b]ecause the viewer's demographic information in this embodiment remains in the bit mask 30 in the set top box 16, the viewer will not be inundated with 'junk mail', as the demographic information is not shared with the cable operator, advertisers, or any other marketing company," as recited in the Specification at lines 4-7 of page 5.

Therefore, Wachob fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent Claim 1. Thus, Claim 1 is not anticipated by Wachob and is patentable under 35 U.S.C. §102. Moreover, since Claim 14 includes relevant limitations similar to those discussed above in regards to Claim 1, Claim 14 is also not anticipated by Wachob and is patentable under 35 U.S.C. §102. Furthermore, claims 2-4, 7-12, 15-17 and 20-23 depend, either directly or indirectly, from independent claims 1 and 14 and recite additional limitations thereof.

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As such and at least for the same reasons as discussed above, these dependent claims are also not anticipated by Wachob and are patentable under 35 U.S.C. §102.

35 U.S.C. §102(a) Rejection of Claims 1, 5, 6, 14, 18 and 19

The Examiner has rejected claims 1, 5, 6, 14, 18 and 19 under 35 U.S.C. §102(a) as being anticipated by Maillard et al. (EP 963 119 A1, hereinafter "Maillard"). Applicants respectfully traverse the rejection.

Claim 1

Maillard does not anticipate Claim 1 because Maillard does not teach or suggest the system of Claim 1 as follows:

"1. A system for transmitting information in a broadcast distribution system that is targeted to a system user, said system comprising:

- a) a network headend for transmitting at least one information stream to a plurality of users, said information stream being comprised of a plurality of information selections and a plurality of corresponding codes, each said code identifying a characteristic of a corresponding one of said selections that is employed to identify a system user to whom either said selection, or additional information related to said selection, should be transmitted;
- b) a distribution network for transmitting said information stream with said codes; and
- c) a plurality of terminal devices interfaced to said distribution network for receiving said information stream, each said terminal device including a terminal processor and a user demographic database that contains demographic information about a corresponding user of said terminal device, said user demographic database being not accessible to said network headend and said distribution network, said terminal processor being programmed to compare each code for each selection in said information stream with said demographic information in said database, and determine therefrom whether said user is designated to receive said selection or additional information related to said selection."

Maillard fails to disclose each and every element of the claimed invention as arranged in Claim 1. Specifically, Maillard fails to disclose, inter alia, "each said terminal device including a terminal processor and a user demographic database that

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contains demographic information about a corresponding user of said terminal device, said user demographic database being not accessible to said network headend and said distribution network," as recited in the claim.

Instead, Maillard discloses an interactive multimedia system having a broadcaster and a multimedia terminal. Maillard discloses a server (the second server) which is connected to the terminal through a return path network. Maillard further discloses in paragraph 47:

"[0047] According to the present invention, the second server (180) is a logical entity which can include one or more physical server computers in communication through a data network and which has the main following functions :

1) The server manages the database where all viewer registration forms are stored. Further to a registration of a new viewer, his profile is stored in this database. His profile may contain sociological data and any other data that enable to classify the viewers into the appropriate categories. Once the criteria given by the registered viewer are recorded in database of the service provider, the criteria are associated to the Viewer Identifier (Viewer Id.) and to the Terminal Identifier (Terminal Id.)."

Thus, Maillard discloses a system in which the profile of the user is stored in a database remote from the terminal, and does not teach a terminal device having demographic database not accessible to a network headend and distribution system.

Therefore, Maillard fails to disclose each and every element of the claimed invention, as arranged in independent Claim 1. Thus, Claim 1 is not anticipated by Maillard and is patentable under 35 U.S.C. §102. Moreover, since Claim 14 includes relevant limitations similar to those discussed above in regards to Claim 1, Claim 14 is also not anticipated by Maillard and is patentable under 35 U.S.C. §102. Furthermore, claims 5, 6, 18 and 19 depend, either directly or indirectly, from independent claims 1 and 14 and recite additional limitations thereof. As such and at least for the same reasons as discussed above, these dependent claims are also not anticipated by Maillard and are patentable under 35 U.S.C. §102.

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35 U.S.C. §103(a) Rejection of Claims 13 and 24

The Examiner has rejected claims 13 and 24 as being obvious and unpatentable over Wachob in view of Bryant et al. (U. S. Patent No. 5,652,615, hereinafter "Bryant") under the provisions of 35 U.S.C. §103(a). Applicants respectfully traverse the rejection.

Claim 1

Claim 1 is patentable over Wachob in view of Bryant because neither of these references, either individually or in combination, teach or suggest the system of Claim 1 as follows:

1. A system for transmitting information in a broadcast distribution system that is targeted to a system user, said system comprising:
 - a) a network headend for transmitting at least one information stream to a plurality of users, said information stream being comprised of a plurality of information selections and a plurality of corresponding codes, each said code identifying a characteristic of a corresponding one of said selections that is employed to identify a system user to whom either said selection, or additional information related to said selection, should be transmitted;
 - b) a distribution network for transmitting said information stream with said codes; and
 - c) a plurality of terminal devices interfaced to said distribution network for receiving said information stream, each said terminal device including a terminal processor and a user demographic database that contains demographic information about a corresponding user of said terminal device, said user demographic database being not accessible to said network headend and said distribution network, said terminal processor being programmed to compare each code for each selection in said information stream with said demographic information in said database, and determine therefrom whether said user is designated to receive said selection or additional information related to said selection.

Specifically, neither of the references teaches or suggests at least the claimed "terminal device including a terminal processor and a user demographic database that contains demographic information about a corresponding user of said terminal device, said user demographic database being not accessible to said network headend and said distribution network."

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Instead, as discussed above in regards to the 35 U.S.C. §102(b) rejection, Wachob discloses a system in which the headend has access to the demographic data stored in the RAM of the converter, and does not teach a terminal device having demographic database not accessible to a network headend and distribution system.

The gap between Wachob and the claimed invention is not bridged by Bryant, which discloses a broadcasting network in which composite programs are broadcast to customer premises equipment (CPE), which can be a set top box (STB), of a targeted audience. Bryant discloses a system which mixes base program content with program fill to create targeted broadcasts. Bryant further discloses:

"Criteria for selecting and inserting can be based on program content and geographic distribution, e.g., country, municipality, street, customer premises. In addition, mixing can be performed using audience demographics determined when the CPE are activated. These criteria can be maintained as "profiles" in databases. The databases can be distributed to memories of the network. For example, memories of the head-ends, sub-heads, street boxes, or STB 200." (column 4, lines 30-36)

Thus, Bryant discloses a system in which the customer demographic information is distributed to the head-end of the broadcast network, and does not teach or suggest a terminal device having a demographic database not accessible to a network headend and distribution system.

Thus, Wachob and Bryant, either singly or in any operable combination, fail to teach or suggest Applicants' claimed invention as a whole. Thus, Claim 1 is patentable over Wachob and Bryant. Moreover, since Claim 14 includes relevant limitations similar to those discussed above in regards to Claim 1, Claim 14 is also patentable over Wachob in view of Bryant. Furthermore, Claims 13 and 24 depend directly or indirectly from independent Claims 1 and 14 and recite additional features thereof. As such and for at least the same reasons as discussed above, these dependent claims are also patentable over Wachob in view of Bryant.

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CONCLUSION

Thus, the Applicants submit that all the claims pending in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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